

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

The Sustainability Institute, <i>et al.</i> ,	)	Civil Action Number: 2:25-cv-02152-RMG
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
Donald J. Trump, in his official capacity	)	
as President of the United States, <i>et al.</i>	)	
	)	
Defendants.	)	

**RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION FOR  
CLARIFICATION REGARDING THE COURT'S MARCH 31, 2025 ORDER**

In Response to Plaintiffs' Motion for Clarification, ECF No. 59, as more fully described below, Defendants state that they have complied with the Court's Order, ECF No. 32.

In the Order, the Court noted Plaintiffs' concern that "despite judicial orders directing the unfreezing of funds related to certain 'paused' or suspended grants, 'grants continue to be repeatedly frozen, unfrozen, and then frozen again with no notice or justification'" and that "agencies appear to be engaging in new actions either in an attempt to evade court orders or in an effort to create more impediments to the disbursement of funding or both." The Court then considered the district court's observation in *New York v. Trump*, C.A. No. 25-cv-39-JJM-PAS, 2025 WL 357368 at \*4 (D.R.I. Jan. 31, 2025), that "the reported rescission of the OMB Directive 'was in name-only and may have been issued simply to defeat the jurisdiction of the courts.'" ECF No. 32 at 2 (quoting *New York*, 2025 WL 357368 at \*4). Additionally, the Court highlighted the terms of the preliminary injunction issued in *New York* that prohibited defendants from "pausing, freezing, blocking, canceling, suspending, terminating, or otherwise impeding the disbursement of appropriated federal funds" that were "at issue in the litigation." *Id.*

Based on those considerations, the Court directed Defendants “to address, in their response to Plaintiffs’ motion for a preliminary injunction, all legal and factual bases upon which the Defendants relied upon, could have relied upon, or might in the future rely upon to freeze the grant funds at issue in this litigation.” *Id.*

Consistent with that direction, in their Response, Defendants explained that, by Executive Order, the President directed that discretionary funding be paused pending review of whether such funding supported the Executive’s priorities. Defendants further explained that, acting on the President’s directives, the agency Defendants paused or terminated some grant awards at issue here. Defendants then identified the applicable statutory provisions, terms and conditions, and regulations that support their positions. Defendants provided the legal and factual bases that Defendants relied upon regarding the disbursement of the federal funds at issue in this litigation.

Defendants admittedly cannot know what legal and factual issues might arise regarding any grant in the future, including those at issue in the litigation. Nonetheless, to avoid any doubt, Defendants are not relying on “shifting” agency actions “to evade preliminary injunctive relief.” ECF No. 59 at 2. To that end, regarding the pending preliminary injunction motion, Defendants are not arguing and will not argue that any new actions taken by Defendants make the preliminary injunction motion no longer ripe or deprive Plaintiffs of standing or otherwise allow Defendants to evade court orders.

Therefore, Defendants respectfully request that the Court deny Plaintiffs’ Motion for Clarification.

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Respectfully submitted,

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